

REMARKS/ARGUMENTS

The Office Action mailed January 22, 2009, has been reviewed and these remarks are responsive thereto. Claims 3, 6, 11, 15, and 16 were previously canceled. No new matter has been added. Claims 1, 2, 4, 5, 7-10, 12-14, and 17-22 are pending upon entry of the present paper. Reconsideration and allowance of the instant application are respectfully requested.

Telephone Interview

The undersigned would like to thank Examiner Dang for taking the time to engage in a telephone interview on April 3, 2009. Pursuant to MPEP § 713.04, Applicants' substance of interview is included herein.

Rejections Under 35 U.S.C. § 112

Claims 7 and 21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter recited therein. This rejection is traversed.

Claim 7 has been amended to remove the recitation of "coupled to the host module." As discussed during the interview, at least paragraph [0028] of the instant application publication (US 2006/0045112) provides written description support for the features as now recited in claim 7.

Claim 21 has been amended to recite "means for detecting the presence of a host externally connected to the bus, *the means for detecting being coupled to the bus*" in accordance with the Examiner's recommendation during the interview.

In view of the amendments to claims 7 and 21, Applicants request withdrawal of the section 112, second paragraph rejections.

Claims 1, 2, 4, 5, 7-10, 12-14, and 17-22 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. This rejection is traversed.

As discussed during the interview, Applicants referred to paragraphs [0014] and [0018] of the instant application publication to supplement the discussion of written

description support cited at pages 7-8 of Applicants' "Amendment And Request For Reconsideration" dated November 6, 2008¹.

As discussed during the interview, MPEP § 2163.02 specifically rejects a *in haec verba* or "same term" standard for purposes of determining compliance with the written description requirement, and instead phrases the standard as whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, Applicants were in possession of the invention as now claimed. Moreover, drawings may serve to furnish written description support. *See, e.g., Vas-Cath Inc. v. Mahurkar*, 935 F.2d 1555, 1565 (Fed. Cir. 1991).

The Office Action at page 2 contends that the features added to claims 1, 21, and 22 in Applicants' "Amendment And Request For Reconsideration" dated November 6, 2008, are not adequately supported by the specification (specifically in view of paragraphs [0028] and [0031] of the instant application). As discussed during the interview, Applicants submit that the features are supported by the specification when read as a whole, and in particular by paragraphs [0014], [0018], [0028], [0031], and Figures 1 and 3. More specifically, as discussed during the interview, Figure 1 includes, by way of illustration, signal lines of a USB bus. Figure 3 demonstrates those USB signal lines being passed directly from a first port to a second port.

The Examiner agreed to reconsider the section 112, first paragraph rejections in view of Applicants citation to paragraphs [0014] and [0018], in view of Figures 1 and 3 (and paragraphs [0028] and [0031]). In the event that the Examiner maintains a rejection of the claims under 35 U.S.C. § 112, first paragraph, Applicants respectfully request clarification in the next communication as to the specific claim language responsible for generating such rejections. Applicants submit that the specification contains adequate written description support for the features recited in the referenced claims, or more specifically, that the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, Applicants were in possession of the invention as now

¹ The discussion in the November 6, 2008 paper specifically referenced paragraphs [0028] and [0031] and Figures 1 and 3.

claimed. As such, Applicants respectfully request withdrawal of the section 112, first paragraph rejections.

Rejections Under 35 U.S.C. § 102

Claims 1, 2, 4, 5, 7-10, 14, and 17-22 stand rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. patent no. 6,516,205 to Oguma ("Oguma"). This rejection is traversed.

Independent claim 1 recites, among other features, "wherein the bus passes a signal directly from the first port to the second port responsive to the relinquishment of host status."

As discussed at pages 7-8 of Applicants' "Amendment And Request For Reconsideration" dated November 6, 2008, Oguma at col. 3, line 48 – col. 4, line 62 and Figure 3 describe an automatic switching mechanism incorporated in a portable phone as a mobile terminal. Oguma fails to disclose the above-noted features of claim 1, with respect to the automatic switching mechanism described in Oguma, for reasons substantially similar to those discussed at pages 6-8 of Applicant's Amendment dated April 24, 2008. In short, even if the upstream port (e.g., D+ 11, D- 12, Vbus 41, and GND 42) of Oguma could appropriately be analogized to the recited first port, and the downstream port (e.g., D+ 31, D- 32, Vbus 53, and GND 54) of Oguma could appropriately be analogized to the recited second port, Oguma fails to disclose features related to a bus passing a signal *directly* from the upstream port to the downstream port as recited in claim 1. Instead, Oguma imposes intervening components and circuits (which include bus manager circuit 62, hub unit 63, and power supply switching circuit 65) to perform any sort of pass-through function.

The Office Action at pages 12-17 cites to a definition of a USB Hub as provided by a Wikipedia article ("Definition of USB Hub by Wikipedia.com") in contending that a USB hub is essentially transparent. As discussed during the interview, the Wikipedia article relied upon by the Examiner is undated, and includes a citation to a reference that postdates the priority date of the instant application. See the Wikipedia article at page 9, citing to USB Technology: Multi-TT Hub Goes Head-to-Head With Single-T, *Tom's*

Hardware UK and Ireland URL last accessed on August 24, 2006. As such, the Examiner's reliance on the Wikipedia article is improper to the extent it relies on knowledge developed after the instant application's priority date.

Furthermore, as discussed during the interview, the Wikipedia article indicates that a USB hub is *essentially* transparent. See the Wikipedia article at page 7. Notably, the Wikipedia article does not disclose that a USB hub is transparent. Thus, the Wikipedia article strongly suggests that a USB hub does not facilitate a direct connection between the upstream and downstream ports (e.g., the alleged first and second ports recited in claim 1).

For at least the foregoing reasons, Applicants submit that Oguma fails to anticipate the above-noted features recited in claim 1. As such, claim 1 is allowable.

Claims 17 and 21 recite features similar to those discussed above with respect to claim 1, and are allowable for at least substantially similar reasons.

The dependent claims are allowable for at least the same reasons as their respective base claims.

Rejections Under 35 U.S.C. § 103

Claims 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Oguma. This rejection is traversed below.

Claims 12 and 13 each depend from claim 1, and are allowable for at least the same reasons as claim 1.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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